

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS H. PLACHY,

Defendant.

4:12CR3049

PRELIMINARY ORDER OF FORFEITURE

This matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 64). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement (Filing No. 59) whereby he has agreed to plead guilty to Count I and the Forfeiture Allegation of the Indictment filed herein. Count I charged the Defendant with the receipt and distribution of child pornography, in violation of 18 U.S.C. § 2252A(a)(2). The Forfeiture Allegation sought the forfeiture, pursuant to 18 U.S.C. § 2253, of the following properties on the basis they were used or were intended to be used to facilitate said violation.

- a. One HP laptop computer, Pavilion D7, serial number 4CA0312DJY;
- b. One black generic desktop computer with Cooler Master Case;
- c. One Dell Dimension 8400 desktop computer, service tag number 9970R51;
- d. One white Gateway TBR3500 desktop computer, serial number 0015048216;
- e. One black Seagate Free Agent Pro external hard drive, serial

number 5QD0ZBJH;

- f. One black Seagate Free Agent Xtreme external hard drive, serial number 2GER6H3Y;
- g. Thirty-eight DVD's, in sleeves;
- h. One black hard case with 11 DVD's;
- i. One blue and silver Nikon CoolPix 2500 camera with memory card and blue and green case;
- j. Five handwritten pages of notes of file information;
- k. Printed picture from website;
- l. Eleven media discs;
- m. One ziplock bag, labeled "unknown content," containing 20 media discs;
- n. One black i-phone, model number A1332;
- o. One black thumb drive with Nebraska Press Association label;
- p. One black SanDisk 2 gb thumb drive;
- q. One Sony memory stick Pro Duo 4gb card; and
- r. One blue Sony memory Stick Duo 128 mb card.

2. By virtue of said guilty plea, the Defendant forfeits his interest in the above-described properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. § 2253.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the following properties:

1. One HP laptop computer, Pavilion D7, serial number 4CA0312DJY;
2. One black generic desktop computer with Cooler Master Case;
3. One Dell Dimension 8400 desktop computer, service tag number 9970R51;
4. One white Gateway TBR3500 desktop computer, serial number 0015048216;
5. One black Seagate Free Agent Pro external hard drive, serial number 5QD0ZBJH;
6. One black Seagate Free Agent Xtreme external hard drive, serial number 2GER6H3Y;
7. Thirty-eight DVD's, in sleeves;
8. One black hard case with 11 DVD's;
9. One blue and silver Nikon CoolPix 2500 camera with memory card and blue and green case;
10. Five handwritten pages of notes of file information;
11. Printed picture from website;
12. Eleven media discs;
13. One ziplock bag, labeled "unknown content," containing 20 media discs;
14. One black i-phone, model number A1332;

15. One black thumb drive with Nebraska Press Association label;
16. One black SanDisk 2 gb thumb drive;
17. One Sony memory stick Pro Duo 4gb card; and
18. One blue Sony memory Stick Duo 128 mb card.

C. The Defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C. § 2253.

D. The aforementioned properties is to be held by the United States in its secure custody and control.

E. Pursuant to 18 U.S.C. § 2253, the United States forthwith shall publish for at least thirty consecutive days on an official Government internet site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C. § 2253, in which all interests will be addressed.

ORDERED this 15th day of January, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Court Judge